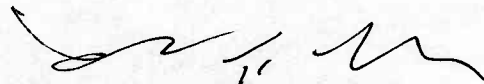


amount of \$6,525.00. (Doc. No. 29.) Under § 406(b), a court may grant reasonable attorney fees out of past-due benefits up to 25% of the total past-due benefits to which the claimant is entitled.

The Court finds Plaintiff's request to be reasonable. Plaintiff's attorney concedes that the Court previously granted Plaintiff attorney fees under the Equal Access to Justice Act (EAJA) in the amount of \$2,587.50 (Doc. No. 27). (Doc. No. 30 ¶ 10.) Normally, attorneys may not collect both EAJA fees and § 406(b) fees in the same case, and "in the situation of dual entitlement, the attorney must refund the amount of the smaller fee to the claimant." *Jankovich v. Bowen*, 868 F.2d 867, 871 n.1 (6th Cir. 1989). In this case, however, Plaintiff, rather than his attorney, received the benefit of the EAJA fees, because the full amount was intercepted to pay Plaintiff's past-due child support. (Doc. No. 30-4.) Plaintiff's attorney will not, therefore, collect both attorney fees, and need not refund the EAJA fees to Plaintiff. Accordingly, the Court hereby **GRANTS** Plaintiff's Motion, and awards \$6,525.00 to be paid to Plaintiff's counsel.

It is so ORDERED.

Entered this the 14th day of July, 2011.



JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT